

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

MARK RILEY,

Plaintiff,

v.

**Civil Action No. 5:07cv147
(Judge Seibert)**

NORTHERN REGIONAL JAIL, et al.,

Defendants.

ORDER DENYING MOTION FOR COUNSEL

On November 16, 2007, *pro se* plaintiff, Mark Riley, initiated this civil rights complaint. On December 13, 2007 he filed a Motion to Appoint Counsel. In contrast to a criminal proceeding in which the Court has a duty to assign counsel to represent an indigent defendant in accordance with his constitutional rights, the Court in a civil case has the discretion to request an attorney to represent a person unable to employ counsel. See 28 U.S.C. §1915(e)(1). It is well settled that in a civil action the Court should appoint counsel to represent an indigent only after a showing of a particular need or exceptional circumstances. Cook v. Bounds, 518 F.2d 779 (4th Cir. 1975). The plaintiff has failed to demonstrate that his current circumstances require the appointment of counsel for him to pursue a civil rights cause of action under 42 U.S.C. §1983. Thus, the Court finds that appointment of counsel is not necessary in order for the plaintiff to adequately pursue his complaint. Accordingly, the plaintiff's motion for appointment of counsel (dckt.13) is DENIED.

IT IS SO ORDERED.

The Clerk of the Court is directed to mail a copy of this Order to the *pro se* plaintiff and any counsel of record.

DATED: December 14, 2007.

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE